

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference R 44362	FOR FURTHER ACTION		See item 4 below
International application No. PCT/AT2004/000330	International filing date (day/month/year) 30 September 2004 (30.09.2004)	Priority date (day/month/year) 17 October 2003 (17.10.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant COLOP STEPELERZEUGUNG SKOPEK GESELLSCHAFT M.B.H. & CO. KG.			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/> Box No. I	Basis of the report	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input checked="" type="checkbox"/> Box No. VI	Certain documents cited	<input type="checkbox"/> Box No. VII	Certain defects in the international application	<input type="checkbox"/> Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/> Box No. I	Basis of the report															
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<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement															
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<input type="checkbox"/> Box No. VII	Certain defects in the international application															
<input type="checkbox"/> Box No. VIII	Certain observations on the international application															

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 27 July 2006 (27.07.2006)</p>
	<p>Authorized officer</p> <p>Yolaine Cussac</p> <p>e-mail: pt11@wipo.int</p>

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

Translation

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference R 44362		Date of mailing (day/month/year) See Form PCT/ISA/210 (sheet 2)	
Applicant's or agent's file reference R 44362		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/AT2004/000330	International filing date (day/month/year) 30.09.2004	Priority date (day/month/year) 17.10.2003	
International Patent Classification (IPC) or both national classification and IPC B41K1/40, B41K1/36			
Applicant COLOP STEMPERERZEUGUNG SKOPEK GESELLSCHAFT M.B.H. & CO. KG.			

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AT2004/000330

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AT2004/000330

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-17	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-17	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO
2. Citations and explanations:			
<p style="text-align: center;">This opinion makes reference to the following documents:</p> <p>D1: US-B-6 453 8131 (FABER ERNST) 24 September 2002 (2002-09-24)</p> <p>D2: US-A-6 067 905 (FABER ERNST) 30 May 2000 (2000-05-30)</p> <p>D3: US-A-5 058 501 (SKOPEK KARL) 22 October 1991 (1991-10-22)</p> <p>D4: US-A-5 727 467 (SKOPEK KARL) 17 March 1998 (1998-03-17)</p> <p>D5: WO 2004/060685 A (M & R MARKING SYSTEMS INC) 22 July 2004 (2004-07-22)</p> <p>D6: AT 5 826 U (COLOP STEMPELERZEUGUNG SKOPEK) 27 December 2002 (2002-12-27)</p> <p>D7: DE 202 05 193 U (SHIH SHINY) 8 August 2002 (2002-08-08)</p> <p>1. Document D1 is considered to be the closest prior art with respect to the subject matter of <u>claim 1</u>. It discloses (the references between parentheses refer to this document):</p> <p style="padding-left: 40px;">a self-inking hand stamp (1) comprising a housing (2), an actuating grip (5) which is displaceable relative thereto and in which a stamp type part with pivot parts (6) is</p>			

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AT2004/000330

Box No. V

Reasoned statement under Rule 43bis1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

mounted, which project through slot-like openings (12) in side walls (7, 8) of the housing (2) (see, for example, column 3, lines 59-61) and of which at least one is held in a receptacle (15) in one of the side parts (13) of the actuating grip (5) by a separately produced securing part (16, 17, 19), it being possible for the securing part to be pushed into the receptacle (15) in an axially parallel manner and latched therein, the securing part having at least one latching element (20) which interacts with a corresponding latching element (21), and comprising a turning mechanism for the stamp plate (see, for example, column 3, lines 49-51),

- the securing part being formed by at least one bearing part having a cylindrical bearing recess (see in particular figure 3) for the pivot part (6) of a stamp plate provided as a stamp type part (see column 3, lines 66-67 to column 4, line 1 and figure 3).

The subject matter of claim 1 therefore differs from the known self-inking hand stamp in that:

- the corresponding element with which the latching element of the securing part interacts is on the side part of the actuating grip;
- the securing part has a plurality of latching positions in the side part of the actuating grip.

The problem addressed here is how the securing part on a self-inking hand stamp housing can be locked in various positions on the pivot part of the stamp type part in a simpler manner. In the documents cited, a person skilled in the art will obtain no hint with regard to the statement of the problem and the corresponding solution.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AT2004/000330

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

For this reason, the subject matter of claim 1 of the present application involves an inventive step (PCT Article 33(3)).

2. Claims 2-17 are dependent upon claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AT2004/000330

Box No. VI Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
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2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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See form 210